

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF PENNSYLVANIA

ANTHONY DeFRANCO,	:
	:
Plaintiff,	: Case No.:C.A.-04-230-ERIE
	:
vs.	: MAGISTRATE JUDGE BAXTER
	:
WILLIAM WOLFE, et al.,	: DISTRICT JUDGE COHILL
	:
Defendants.	:
	:

MOTION FOR SUBPOENA

Plaintiff moves this Honorable Court to issue a subpoena upon SCI Albion (Defendants) to give him copies of the vote sheets on his z-code and in support avers:

1. There is a motion to dismiss pending before this Court.
2. Plaintiff is asking for the "vote sheets" conducted on him from 1999 through 2005 regarding his z-code. This information is vital for this Court's consideration on the Defendants motion to dismiss.
3. As this Court is aware, Plaintiff had requested his inmate file for the preliminary injunction but the counselor failed to produce it. This request was made under subpoena and Defendants counsel advised not to produce the file (see, Prelim.Injunc.Trans.12/17/04).
4. The documents requested are only (approx.) five (5) pages, they are located in Plaintiffs counselors office and can be made within 10 minutes.
5. Plaintiff also asks to be given the paperwork regarding the issuance of his z-code status while at SCI Smithfield. This paper is

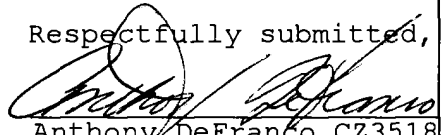
also in the counselors office and a copy can be made in minutes. The documents requested bear directly on the motion to dismiss and Plaintiffs contentions that he medically requires the z-code.

6. These documents are necessary and will not present any hardship on the Defendants to provide them to him for filing with this Court to help in its decision on the motion to dismiss.

WHEREFORE, Plaintiff prays this Honorable Court will issue a subpoena to the Defendants to provide him with his z-code vote sheets from 1999 through 2005; and other documents.

Date: 9/9/05

Respectfully submitted,


Anthony DeFranco CZ3518
10745 Route 18
Albion, Pa. 16475-0002

CERTIFICATE OF SERVICE

Service of the foregoing was made by US First Class Mail this date to the Attorney General, 564 Forbes Ave., Pgh., Pa. 15219.